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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,468	10/15/2003	Junichi Sekiyama	03500.017659	4699
5514	7590	03/25/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, HUNG	
		ART UNIT		PAPER NUMBER
		2851		

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/684,468	SEKIYAMA ET AL.
	Examiner	Art Unit
	Hung Henry V Nguyen	2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 November 2003.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3,4 and 8-11 is/are rejected.  
 7) Claim(s) 2 and 5-7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 4, the recitation of "the different in the gap between the support portions of the pair of support members, on the downstream side ...as the reference" is ambiguous. It is not clearly understood what "support portions" the applicant refers to ? Claim 4 recites the limitation "the support portions" in line 4. There is insufficient antecedent basis for this limitation in the claim. Please clarify.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Isobe et al (U.S.Pat. 6,661,995).

With respect to claims 1, Isobe et al (fig.1) discloses a sheet post-processing apparatus (300) and comprising all of the basic features of the instant claims such as: conveying means (121, 330) for conveying a sheet (S); intermediate stacking section (300b) having a pair of support members (301,302) for supporting left and right edges of the sheet that is sent from the conveying means, the support members capable of moving toward and away from each other in a direction that intersects a sheet conveying direction so that the sheet is pressed against one of the support members that serves as a reference by the other support member to be positioned (see fig.3a); processing means (330a-b; 322, 350; 363)) for processing the sheet positioned by the intermediate stacking section (300b); delivery and stacking means (325) for receiving the sheet (S) that is dropped through a gap created between the pair of the support members (301,302) which are moved away from each other (see col.9, lines 60-65 and figure 3A); wherein the gap between the pair of support member in the direction that intersects the sheet conveying direction is narrower on a downstream side on the sheet conveying direction when the support member are retracted apart from each other (see col.7, lines 58-63, and col.8, lines 2-14; col.10, lines 2-7).

Regarding claim 3, Isobe teaches when the pair of support members (301,302) are retracted, the other support member (301) is tilted (angle  $\alpha$ ) with respect to the one support (302) to narrow the gap between the support members in the direction that intersects the sheet conveying direction on the downstream side in the sheet conveying direction (see fig.5a).

As to claim 8, Isobe et al teaches the sheet is positioned by the pair of support members by making parallel motions/retraction to approach each other (see figures 4A-4B).

As to claims 9-10, Isobe et al teaches the support members are bent in the middle in the sheet conveying direction so that the downstream side ends of the support members are on a

higher plane than the upstream side ends of the support members (see col.8, lines 3-14 and figure 5A).

With respect to claim 11, Isobe further teaches an image forming apparatus (100), having an image formation unit for forming an image on a sheet, which is used with the sheet post processing device as discussed above.

***Allowable Subject Matter***

5. Claims 2, 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record either alone or in combination, neither discloses nor makes obvious the combination of a sheet post processing device where the support members are provided with specific support portions, among with the other features, and satisfied conditions as recited in the instant claims.

***Prior Art Made of Record***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nanba et al (U.S.Pat. 6,406,013) ; Saito et al (U.S.Pat. 6,412,774) and Kuwata et al (U.S.Pat. 6,643,480) discloses sheet post-processing device and have been cited for technical background.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hvn  
3/17/04



HENRY HUNG NGUYEN  
PRIMARY EXAMINER